

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA (Philadelphia)**

IN RE: SYLVIA MCKEOWN Debtor	Case No. 24-13481-amc
Deutsche Bank National Trust Company, as trustee for Soundview Home Loan Trust 2008-1, Asset- Backed Certificates, Series 2008-1, Movant	Chapter 13
vs. SYLVIA MCKEOWN And WILLIAM MCKEOWN, (NON-FILING CO- DEBTOR) Respondents	11 U.S.C. §362 and §1301

**MOTION FOR RELIEF FROM AUTOMATIC STAY UNDER §362 AND §1301 CO-
DEBTOR STAY PURSUANT TO BANKRUPTCY PROCEDURE RULE 4001**

Movant, by its attorneys, Brock and Scott PLLC, hereby requests a termination of Automatic Stay and Co-Debtor stay and leave to proceed with its state court rights on its mortgage on real property owned by Sylvia Mckeown (the “Debtor”), and non-filing Co-Debtor, William Mckeown.

1. Movant is Deutsche Bank National Trust Company, as trustee for Soundview Home Loan Trust 2008-1, Asset-Backed Certificates, Series 2008-1.
2. Debtor, Sylvia Mckeown, and non-filing Co-Debtor William Mckeown is/are the owner(s) of the premises located at 329 Jackson St, Philadelphia, Pennsylvania 19148 hereinafter known as the mortgaged premises.
3. Movant is the holder of a mortgage on the mortgaged premises.
4. Debtor's failure to tender monthly payments in a manner consistent with the terms of the Mortgage and Note result in a lack of adequate protection.
5. Movant instituted foreclosure proceedings on the mortgage because of Debtor's failure to make the monthly payment required hereunder.
6. The foreclosure proceedings instituted were stayed by the filing of the instant Chapter

13 Petition.

7. The following chart sets forth the number and amount of post-petition payments due pursuant to the terms of the Note that have been missed as of February 24, 2025:

Number of Missed Payments	From	To	Monthly Payment Amount	Total Amounts Delinquent
3	December 1, 2024	February 1, 2025	\$1,368.11	\$4,104.33
Less partial payments (suspense balance): (\$1,029.96)				Total: <u>\$3,074.37</u>

8. The amounts listed above may not include any post-petition fees and costs previously filed with the Court pursuant to Rule 3002.1. The Secured Creditor does not waive it's right to collect these amounts.

9. A post-petition payment history is attached hereto as Exhibit A.

10. The next payment is due on or before March 1, 2025 in the amount of \$1,368.11. Under the terms of the Note and Mortgage, Debtor has a continuing obligation to remain current post-petition and failure to do so results in a lack of adequate protection to Movant.

11. As of February 24, 2025 the total unpaid principal balance is \$80,055.84 which includes the unpaid principal balance of \$79,397.22 and deferred principal balance of \$658.62.

12. Upon information and belief, the payoff amount as of February 24, 2025 is \$100,804.41.

13. Movant, Deutsche Bank National Trust Company, as trustee for Soundview Home Loan Trust 2008-1, Asset-Backed Certificates, Series 2008-1 requests the Court award reimbursement in the amount of \$1,549.00 for the legal fees and costs associated with this Motion.

14. Movant has cause to have the Automatic Stay terminated as to permit Movant to proceed with its state court rights pursuant to the mortgage contract.

15. Movant specifically requests permission from the Honorable Court to communicate with and Debtor and Debtor's counsel to the extent necessary to comply with applicable nonbankruptcy law.

16. Movant, its successors and assignees posits that due to Debtor's continuing failure to tender post-petition mortgage payments and the resulting and ever increasing lack of adequate protection that said failure presents, sufficient grounds exist for waiver of Rule 4001(a)(4), and that Movant, its successors or assignees should be allowed to immediately enforce and implement the Order granting relief from the automatic stay and co-debtor stay.

17. Movant additionally seeks relief from the co-debtor stay under §1301 (c) (if applicable) in the instant case, as the continuation of the co-debtor stay causes irreparable harm to the Movant. Movant may be barred from moving forward with its state court rights under the terms of the mortgage without relief from the co-debtor stay.

18. Movant requests that if relief is granted that Federal Rule of Bankruptcy Procedure 3002.1 be waived.

WHEREFORE, Movant respectfully requests that this Court enter an Order;

a. Modifying the Automatic Stay under Section 362 and Co-Debtor Stay under Section 1301 with respect to 329 Jackson St, Philadelphia, Pennsylvania 19148 (as more fully set forth in the legal description attached to the Mortgage of record granted against the Premises), as to allow Movant, its successors and assignees, to proceed with its rights under the terms of said Mortgage; and

b. That relief from any Co-Debtor Stay (if applicable) is hereby granted; and

c. Movant specifically requests permission from this Honorable Court to communicate with Debtor and Debtor's counsel to the extent necessary to comply with applicable nonbankruptcy law; and

d. That the Trustee cease making any further distributions to the Creditor; and

e. Holding that due to Debtor's continuing failure to tender post-petition mortgage payments and the resulting and ever-increasing lack of adequate protection that said failure presents, sufficient grounds exist for waiver of Rule 4001(a)(4), and that Movant, its successors or assignees, should be allowed to immediately enforce and implement the Order granting relief from the automatic

stay; and

f. Awarding Movant attorney fees and costs related to this Motion in the amount of \$1,549.00; and

g. Waiving Federal Rule of Bankruptcy Procedure 3002.1; and

h. Granting any other relief that this Court deems equitable and just.

This is the 6th day of March, 2025.

/s/Ryan Starks

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